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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 7 March 2003 from the Permanent Mission of the Marshall Islands to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Marshall Islands to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to submit the report of the Marshall Islands pursuant to Security Council resolution 1390 (2002) (see annex).

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Annex to the note verbale dated 7 March 2003 from the Permanent Mission of the Marshall Islands to the United Nations addressed to the Chairman of the Committee

Report prepared by the Office of the Attorney General of the Marshall Islands, 22 January 2003

We have the honour to report to the Security Council Committee established pursuant to resolution 1267 (1999) that the Nitijela of the Marshall Islands, at its last regular session, passed/adopted the following laws and resolutions with respect to Osama Bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the listings provided by Security Council resolutions 1267 (1999) and 1333 (2000):

1. Counter-Terrorism Act
2. Proceeds of Crimes Act
3. Amendments to the Banking Act regarding money-laundering
4. Foreign Evidence Act
5. Approved accession to the Convention on the Marking of Plastic Explosives for the Purpose of Detection
6. Approved accession to the International Convention against the Taking of Hostages
7. Approved accession to the Convention on the Physical Protection of Nuclear Material
8. Approved accession to the International Convention for the Suppression of the Financing of Terrorism
9. Approved accession to the International Convention for the Suppression of Terrorist Bombings
10. Approved accession to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons.

Furthermore, the following legislation and resolutions have been approved by the Cabinet for submission to the Nitijela of the Marshall Islands for concurrence and adoption during its current session:

1. Mutual Assistance in Criminal Matters Act
2. Transnational Extradition and Transfer of Convicted Persons Act
3. International Convention on Offences and Certain Other Acts Committed on Board Aircraft
4. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
5. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

6. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation

7. Convention for the Suppression of Unlawful Seizure of Aircraft

8. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

The Republic of the Marshall Islands, in compliance with the mandatory measures contained in resolution 1390 (2002), has taken the initial steps in implementing some of these measures through establishment of a Financial Intelligence Unit (FIU). This FIU is solely responsible for the delisting of the Marshall Islands from being blacklisted by the United States and the European Union. Furthermore, the FIU maintains active contacts with FinCEN and it is currently a regular member of the Egmont Group of FIUs.

The recent amendments to the Banking Act, which include the money-laundering provision, are an example of the firm commitment by the Government of the Marshall Islands to full enforcement of the mandatory measures contained in Security Council resolutions 1390 (2002) and 1373 (2001). The money-laundering amendment has prompted the Commissioner of Banking to instruct all licenced banks and financial institutions in the Republic to report all suspicious transactions and activities in order for the Government to freeze such funds and other assets or economic resources that may belong to individuals, groups, undertakings and entities referred to in the list under resolution 1390 (2002), as required by the Banking Act of the Marshall Islands. We are pleased to report to your Committee that, so far, the banks and other financial institutions in the country have not reported any suspicious transactions to date.

The Counter-Terrorism Act 2002 has further strengthened the immigration laws of the Republic simply by providing an enforcement mechanism flexible enough for the enforcement officers to refuse entry into or transit through the Marshall Islands of the individuals referred to in the list mentioned in paragraph 2 of resolution 1390 (2002). Similarly, this Act has also provided the legal authority for the law enforcement officers to seize and confiscate, on the spot and based on reasonable suspicion, supplies intended to be sold or transferred to these individuals, groups, undertakings and entities by Marshallese citizens either in or outside of the country. Furthermore, under the Compact of Free Association, the Marshall Islands has given the United States the exclusive military rights and use of the land, sea and air of the country. Therefore, ships under the flag of the Marshall Islands are subject to United States Coast Guard maritime laws. The United States Coast Guard has the right to board ships flying our flag in order to carry out investigations of any suspicious shipment of arms and related material of all types, including spare parts, intended to promote the activities of Osama Bin Laden and the members of the Al-Qaida around the world.

The Marshall Islands Government has been actively deporting illegal immigrants, who are mostly from mainland China and Taiwan. The number of deported illegal immigrants has increased significantly due to the strong enforcement of the domestic immigration laws of the country.

We hope your Committee will find our report to meet satisfactorily the mandatory initiatives promulgated and outlined in the list mentioned in paragraph 2 of resolution 1390 (2002). Please let us know if your Committee should need more information.